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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,375	02/14/2006	Mauro Barbieri	NL030990	9328
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EXAMINER				
ZHAO, DAQUAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,375

Applicant(s)

BARBIERI, MAURO

Examiner

DAQUAN ZHAO

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. A brief abstract of the technical disclosure in the specification must commence on a separate sheet, preferably following the claims, under the heading "Abstract " or "Abstract of the Disclosure." The sheet or sheets presenting the abstract may not include other parts of the application or other material. The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure.

The abstract filed on 2/14/2006, which is the front page of the corresponding PCT publication of the current application, does not meet the requirement of "a brief abstract of the technical disclosure" above.

Claim Objections

2. Claims 1 and 7-12 are objected to because of the following informalities:

It is believed claims 1 and 7-12 contained numbers, such as "201", "202-214" in claim 1, carry over from the PCT application, which is informal for the US application. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 rejected under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C § 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski et al, 88 USPQ2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps are not tied to a particular machine and do not perform a transformation. Thus, the claims are non-statutory. Claim 1 comprises the receiving step, detecting step, and the associating step. None of these three steps are tied any apparatus that accomplishes the method steps or positively recites the subject matter this is being transformed.

The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. *Note the Board of Patent Appeals Informative Opinion Ex parte Langemyer et al.*

Claims 2-5 are also affected.

For claim 12, the claimed "a computer program product to be loaded by a computer arrangement" is treated as program per se, which is non-statutory subject matter. Also, the term "computer program product" can be treated as a signal, which is non-statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Corey et al (US 5,703,655).

For claim 1, Corey et al teach a method of creating a collection of relevant video segments (201) by selecting respective portions (202-214) from a video stream (200) which corresponds to a program (e.g. abstract, column 1, line 50-column2, line 30, column 4, lines 22-38, and figure 1, Video/Audio storage 40, the audio/video segments stored in the video/audio storage 40 corresponds to the claimed "a collection of relevant

video segments", the examiner considers the video segments in video/audio storage 40 as "relevant video" because it is relevant to a speaker), a first duration of the collection of relevant video segments (201) being relatively short compared with a second duration of the program (e.g. The examiner believes the system of Corey et al can collect audio/video of different speakers or a single speaker with different duration. Therefore, "relevant video segments being relatively short compared with a second duration of the program" is inherent feature of Corey et al), the method comprising:

receiving transcript information associated with the program, the transcript information comprising a plurality of sentences (e.g. figure 1, column 4, lines 12-37, receiver tuner 24 receives the closed caption data, wherein the closed caption data corresponds to the claimed "transcript information", wherein figure 7 shows that the closed caption data comprises a plurality of sentences);

detecting a first exclamatory syntactical element in a first one of the sentences (e.g. column 5, line 30- column 7, line 8 and figure 7, the closed caption data in figure 7 describes the audio/video data of "#ch 9 news, 5-6 PM 9-2-94", the first sentence "ON THIS TEAM I THINK WE CAN BE GOOD" must be detected to be formatted as shown in figure 7);

selecting a first one of the portions (202) from the video stream (200), which corresponds to the first exclamatory syntactical element (e.g. column 5, line 30- column 7, line 8 and figure 7, the closed caption data in figure 7, which contains a first sentence "ON THIS TEAM I THINK WE CAN BE GOOD", describes the audio/video data of "#ch

9 news, 5-6 PM 9-2-94", and the describes the audio/video data of "#ch 9 news, 5-6 PM 9-2-94" is selected to be stored in the audio/video storage 40); and

associating the first one of the portions (202) with a first one of the relevant video segments (e.g. column 5, line 30- column 7, line 8 and figure 7, the closed caption data in figure 7 is associated with the audio/video data of "#ch 9 news, 5-6 PM 9-2-94").

Claims 7 and 12 are rejected for the same reasons as discussed in claim 1 above.

Claim 8 is rejected for the same reasons as discussed in claim 1 above, wherein Corey et al also teach a receiving unit (102) for receiving a video stream (200) (e.g. figure 2, receiver tuner 24); storage means (106) for storage of the video stream (200) and for storage of a collection of relevant video segments (201) being selected from the video stream (200) (e.g. figure 1, video/audio storage 40); and a video segment compilation unit (108) for creating the collection of relevant video segments (201), as claimed in claim 7 (e.g. column 5, lines 30-57, and figure 1, closed caption formatter 204 associated the audio/video data "#ch 9 new, 5-6 PM 9-2-94" with the closed caption data as shown in figure 7).

For claim 2, Corey et al teach a first exclamatory syntactical element is one of exclamation mark, word being expressed with capitals, sentence comprising words being expressed with capitals, word being expressed with underlined characters, word being expressed with italic characters, word being expressed with bold characters, and word being expressed with relatively large characters compared with other characters in

other sentences (e.g. figure 7, "ON THIS TEAM I THINK WE CAN BE GOOD" corresponds to the claimed "sentence comprising words being express with capitals").

For claim 3, Corey et al teach the transcript information is one of closed-captioned text, subtitles being exchanged by means of teletext and subtitles being exchanged as overlaid text (e.g. figure 1, column 4, lines 12-37, receiver tuner 24 receives the closed caption data, wherein the closed caption data corresponds to the claimed "transcript information").

For claim 9, Corey et al teach the storage means comprises a hard-disk (e.g. column 3, lines 58-65, the examiner believes the 20 Gigabyte disk in the personal computer is a hard-disk).

For claim 10, Corey et al teach the storage means is arranged to store the video stream (200) on a removable memory device (e.g. column 3, lines 65-67, magnetic tape is removable memory).

For claim 6, Corey et al teach changing the order of the selected portions (e.g. figure 12 A-B, column 6, lines 50-67, "On this Team I think we can be good" and "What got the deal done at the end" are separated into two document, which is considered to be "changing the order of the selected portions" since figure 7 shows they are both in one document. By separating them into two documents, each individual document can be process separately. Therefore, their process order can be different).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corey et al (US 5,703,655), as applied to claims 1-3, 6-10, and 12, and further in view of Robson et al (US 7,360,234 B2).

For claim 4, Corey et al fail to teach filtering out relatively short sentences comprising a first word being equal to a second word of a particular set of words. Robson et al teach filtering out relatively short sentences comprising a first word being equal to a second word of a particular set of words (e.g. column 2, lines 41-45, filter out offensive words column 4, lines 67, filtering closed caption corresponding to the portion of the audio containing the objectionable content). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Robson et al into the teaching of Corey et al to filter out unwanted short sentence to reserve storage space.

For claim 5, Robson et al teach the particular set of words comprises the words "yes", "no" and "thanks" (the filtering content does not make any patentable difference).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corey et al (US 5,703,655), as applied to claims 1-3, 6-10, and 12, and further in view of Official Notice.

For claim 11, Corey et al fail to specify the memory device comprises an optical-disk. The examiner takes official notice for the memory device comprises an optical-disk since it is well known in the art. It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate an optical-disk into the system of Corey et al for easy transportation of the data because carrying an optical disk, such as DVD is much easier than carrying tape since DVD is smaller in size than tape.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Girgensohn et al (US 7,480,442 B2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/
Examiner, Art Unit 2621

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621